

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Case No.: 1:22-cv-00600

IHAB DERYAS, *individually and on behalf of*)
all others similarly situated,)
)
)
Plaintiff,) **JOINT MOTION FOR APPROVAL OF**
) **FAIR LABOR STANDARDS ACT**
v.) **SETTLEMENT**
)
)
BISCUITVILLE, INC.,)
)
Defendant.)

Plaintiff Ihab Deryas (“Plaintiff”) and Defendant Biscuitville, Inc. (“Biscuitville”) (collectively the “Parties”) jointly move for an Order approving the Parties’ FLSA Settlement Agreement (attached to this Motion as Exhibit 1) and approving as reasonable the Settlement Agreement’s proposed award of attorneys’ fees and costs.

For the reasons described in the memorandum of law in support of this Joint Motion for Approval of Fair Labor Standards Act Settlement (“Joint Motion”), and the Declaration of Edward H. Maginnis and various attachments thereto, the settlement is a fair and reasonable resolution of a bona fide dispute over Plaintiff’s FLSA claims, which was negotiated at arms’ length between counsel for both parties, and the attorneys’ fees negotiated under the Settlement are reasonable. The Court should enter the proposed Order approving the Settlement attached to this Joint Motion as Exhibit 2 accordingly.

This the 24th day of February, 2023.

<p><i>Counsel for Plaintiff</i></p> <p>MAGINNIS HOWARD</p> <p><u>/s/ Edward H. Maginnis</u> EDWARD H. MAGINNIS N.C. State Bar No. 39317 KARL S. GWALTNEY N.C. State Bar No. 45118 7706 Six Forks Road, Suite 101 Raleigh, North Carolina 27615 Telephone: 919-526-0450 Fax: 919-882-8763 emaginnis@maginnishoward.com kgwaltney@maginnishoward.com</p>	<p><i>Counsel for Defendants</i></p> <p>OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.</p> <p><u>/s/ Benjamin R. Holland</u> Benjamin R. Holland (28580) Margaret Santen (52927) Carl M. Short III (46396) Virginia M. Wooten (48180) 201 South College Street, Suite 2300 Charlotte, NC 28244 Telephone: 704.342.2588 Email: benjamin.holland@ogletree.com maggie.santen@ogletree.com carl.short@ogletree.com virginia.wooten@ogletree.com</p>
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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff hereby certifies that he has this day caused a copy of the foregoing to be served to all parties of record via the ECF filing system.

This the 24th day of February, 2023.

Counsel for Plaintiff

MAGINNIS HOWARD

/s/ Edward H. Maginnis
EDWARD H. MAGINNIS